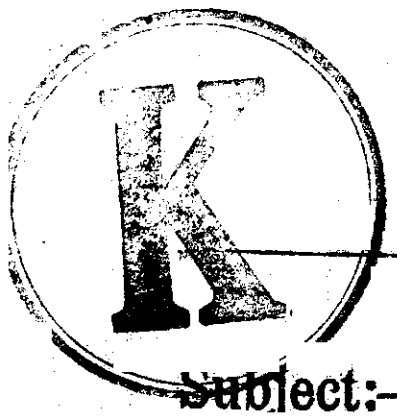
1945

File No. B. Industrial Disputes/45

Legal Department
B BRANCH



Subject:— A Bill to amend the Bombay Industrial Disputes Act 1938.

(Amendment of Section 25 of Bom. XXV of 1938)

(Bom. XIX of 1945)

1945 G

File No. B. Industrial Disputes/45

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1945-E

Office of the R.L.A.

The draft Bill and Statement at pages 149-150 as amended are in order. Having regard to A on page 76 ante, reference to "change" in new sub-section (3A) is replaced by a reference generally to the "purpose of meeting".

Sd/-P.N.M.
16-5-45.

Remembrancer of Legal Affairs.

U.R. to P. & S.D. No. 3773 dated the 16th May 1945.

S.C. 16/7

4 copies.

Statement.

There is no provision in the Bombay Industrial Disputes Act, 1938 under which it would be possible for the Labour Officer to hold for any of the purposes of the Act meetings in the mill compounds if the mill owners object to permit the use of their premises for the meeting. While in general millowners have permitted such a use, yet instances have arisen where their refusal has frustrated the objects of the Act. It is proposed therefore to amend the Act to empower the Labour Officer to convene a meeting in the mill compounds and to require the employer to post announcements of such meetings at such places on the premises as he may order.

S.C. 16/7
4 copies.

No. 7829

Legal Department.

Bombay Castle, 22nd October 1945.

From

P.N.Moos, Esquire, Bar-at-law, I.C.S.
Secretary to the Government of Bombay;

To

The Secretary to the Governor of Bombay.

Subject .- A Bill to amend the Bombay ~~Trade~~ Industrial Disputes Act, 1938.

Sir,

With reference to your Memorandum No, 201(109), dated the 28th August 1946, addressed to the Political and Services Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to amend the Bombay Industrial Disputes Act, 1938, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935.

2. The subject matter of the Bill falls under entry No. 29 of List III in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not contain any provision repugnant to any existing Indian law, it is not necessary to reserve the Bill for the consideration of the Governor General under section 107(2) of the Government of India Act, 1935, or paragraph (2) of the Proclamation.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one spare copy of the Bill.

Your obedient servant,
Sd/-P.N.M.
20-10-45.
Secretary to the Government of Bombay,
Legal Department.

Through

The Chief Secretary to the Government of Bombay,
Political and Services Department.

S.C.16/7

No. 201(109)
Office of the Governor's Secretary
Government House,

From

D.Symington, Esquire, CIE,IUS.
Secretary to the Government of Bombay

To

the Secretary to Government,
Legal Department, Bombay
29th October 1945.

Subject .- A Bill to amend the Bombay Industrial Disputes Act, 1938.

Sir,

With reference to your letter No. 7824, dated the 22nd October 1945, on the above subject, I am directed to return herewith the copy of the Bombay Industrial Disputes (Amendment) Bill, 1945, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

Your obedient servant,

Sd/-
Secretary to the Governor
of Bombay.

No. 201(109).
Ganeshkhind , 29th October 1945.

Copy forwarded for information to the Chief Secretary to Government, with reference to his endorsement No. 6481/34/21757-E, dated 26th October 1945,
By order of the Governor of Bombay.

Sd/-
Secretary to the Governor of Bombay.

S.C. 16/7
4 copies.

A C T S.
Publication of the Bombay Industrial Disputes (Amendment) Act, 1945.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 8203
Bombay Castle, 2nd November 1945.

Letter to the Secretary to the Governor, No. 7824, dated the 22nd October 1945.
Letter from the Secretary to the Governor, No. 201(109), dated the 29th October 1945.

"With reference to your letter No. 7824, dated the 22nd October 1945, on the above subject, I am directed to return herewith the copy of the Bombay Industrial Disputes (Amendment) Bill, 1945, prepared by His Excellency the Governor under paragraph (2) of the Proclam-ation, dated 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty."

RESOLUTION.- The law should be published as Bombay Act No. XIX of 1945, in the Bombay Government Gazette dated the 3rd November 1945.

2. The Act should be translated into Marathi, Gujarathi, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translation should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Political and Services Department.

By order of the Governor of Bombay

Sd/-N.K.Dravid.

Deputy Secretary to Government.

To

The Manager, Government Central Press, Bombay,(with 11 a copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department).

The Political and Services Department.
The Oriental Translator to Government,
The Secretary to the Bombay Legislative Council,
The Secretary to the Bombay Legislative Assembly.
} with a copy of the Act.

*with five extra copies.

S.C. 16/7
4 copies.

Bombay Act No XIX of 1945

~~GOVERNOR'S BILL No. XIX OF 1945.~~

An Act

~~A Bill~~ *to amend the Bombay Industrial Disputes Act, 1938.*

WHEREAS it is expedient to amend the Bombay Industrial Disputes Act, 1938, for the purpose hereinafter appearing ; Bom. XXV of 1938.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ; 26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Industrial Disputes (Amendment) Act, 1945. Short title.

2. In section 25 of the Bombay Industrial Disputes Act, 1938, after sub-section (*3*), the following new sub-section shall be inserted, namely :— Bom. XXV of 1938. Amendment of section 25. of Bom. XXV of 1938.

"(*3A*) A Labour Officer may, after giving reasonable notice, convene a meeting of the employees of an employer, for any of the purposes of this Act, on the premises where the employees are employed for work and may require the employer to affix a written announcement of the meeting at such conspicuous places in the premises as he may order. The announcement shall specify the date, time and place of the meeting, the employees or class of employees affected, and the purpose for which the meeting is convened :

Provided that during the continuance of a lock-out which is not illegal, no such meeting on the premises of the employer continuing the lock-out shall be convened of any employees affected by the lock-out without the consent of the employer."

59-27

STATEMENT.

There is no provision in the Bombay Industrial Disputes Act, 1938, under which it would be possible for the Labour Officer to hold for any of the purposes of the Act meetings in the mill compounds if the millowners object to permit the use of their premises for the meeting. While in general millowners have permitted such use, yet instances have arisen where their refusal has frustrated the objects of the Act. It is proposed therefore to amend the Act to empower the Labour Officer to convene a meeting in the mill compounds and to require the employer to post announcements of such meetings at such places on the premises as he may order.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.